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March 20, 2015

VIA FEDEX

U.S. Environmental Protection Agency
Attn: Leslie Patterson, Remedial Project Manager
77 West Jackson Blvd. (SR-6J)
Chicago, IL 60604-3590

Re: EPA Special Notice Letter, South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Patterson:

On behalf of Respondent P-Americas, LLC ("Respondent or P-Americas"), I am responding to the Special Notice Letter from Joan Tanaka dated January 16, 2015. Ms. Tanaka's letter invites P-Americas and other companies to negotiate an agreement to perform a Remedial Investigation/Feasibility Study ("RI/FS") for the South Dayton Dump & Landfill Site ("Site"). Thank you for providing an extension of time to March 20, 2015 to respond.

In response to the EPA's Section 104(e) request for information about the Site, Respondent conducted a thorough investigation of the information in its possession, including its corporate records. Respondent found no information or documents that any of its waste had been delivered to the Site, and has communicated the same to EPA in its 104(e) responses.

Respondent has also been a defendant in a lawsuit filed by three companies that have conducted an RI/FS for the Site. Specifically, P-Americas is a defendant in a civil action styled *Hobart Corp., et al. v. The Dayton Power & Light Co., et al.*, Case No. 3:13-cv-0115, S.D. Ohio ("Hobart III"), pending currently in the United States District Court for the Southern District of Ohio. While defending the Hobart III lawsuit, Respondent has investigated its potential liability for response actions at the Site and has identified no information or documents evidencing that Respondent arranged for disposal of hazardous substances at the Site, and has communicated the same to plaintiffs in its discovery responses.

Leslie Patterson, Remedial Project Manager
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Accordingly, based on P-America's internal investigation, as well as the discovery produced in the Hobart III lawsuit, Respondent does not believe that it is potentially liable under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") for any investigation or remediation activities at the Site. Respondent therefore respectfully declines to participate in further negotiations to conduct an RI/FS at the Site at this time.

If EPA has any evidence of potential Respondent liability that may not have been brought to Respondent's attention, or if EPA becomes privy to such information in the future, Respondent is open to further discussion with you on this matter at that time.

Best regards,

A handwritten signature in black ink, appearing to read "W. Brad Nes", with a long horizontal flourish extending to the right.

W. Brad Nes

cc: David H. Patrick, Esq., PepsiCo Americas Beverages
Thomas Nash, Esq., EPA Region 5